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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,089	12/30/2003	Mauro Dresti	81230.87US2	7957
34018	7590	10/11/2006	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,089	Applicant(s) DRESTI ET AL.	
	Examiner Son P. Huynh	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/7/05;2/9/06;7/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 5, 7-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only--*, *and/or, --cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claims 5 and 7 recites the language "each of" which is not clearly one of the examples in MPEP 608.01 (n). "Each of" could be "all" which is not in the alternative.

Therefore, in claim 5, the limitation "the method as recited in each of claims 1-4" should be changed to — **the method as recited in any one of claims 1-4**—

in claim 7, the limitation "the method as recited in each of claims 1-3" should be changed to – **the method as recited in any one of claims 1-3**--

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US 6,763,522) in view of Proehl et al. (US 6,990,676).

Regarding claim 1, Kondo discloses a method for displaying programming information (displaying program guide – figures 2a-2d), comprising:

creating a program guide page having a plurality of icons each of which is assigned a command code to be transmitted by the remote control device to tune an intended target appliance to a channel (met by creating the EPG page for displaying on the screen as shown in figures 2a-2d, the EPG page having a plurality icons such as FOX1, FOX2, HBO, etc. each of which is assigned a command code so that when the remote input device selects/highlight the icon such as minor channel, the code associated with selected minor channel is transmitted to processor 42 to thereby instruct the tuner/decoder of the system to tune to the selected channel – see col. 3, lines 35-48; col. 4, lines 22-30; col. 6, lines 10-23; col. 7, line 55-col. 8, line 19);

accepting user input selecting one of the icons from a display of the EPG page (met by accepting user input selecting a minor channel icon such as FOX1 icon from the display – see include, but is not limited to, col. 7, line 55-col. 8, line 19); and

in response to the user selecting an icon, displaying in a first window area information relevant to content available from a provider of content on the channel associated with the selected icon (met by in response to user selecting minor channel icon such as FOX1, displaying in area 52 information such as title, time, etc. of program

available from a provider of content on the FOX1 associated with the selected FOX1 channel icon – figures 2a-2c col. 6, lines 7-40). However, Kondo does not specifically disclose the EPG is displayed using a remote control device and EPG is a favorite page created by accepting user input.

Proehl et al. discloses displaying program guide information using a remote control device (e.g. display EPG screen 650 by either press GUI 304 icon on the remote controller 14 (figure 3), or GUI icon 584 (figure 12) on the screen using remote controller 14 - see col. 14, lines 32-66); accepting user input for creating a favorite page having a plurality of icons (met by user selects “Favorite” icon 306 on the remote controller 14 (figure 3) or “Favorite” icon 556 on the screen (figure 7) for creating and displaying “favorite” page 630 having a plurality of icons 604 – figure 10, col. 13, lines 20-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kondo to use the teaching of displaying EPG using remote a remote control device and accepting user input for creating a favorite page as taught by Proehl in order to allow user to easily control the display of program guide and locate the desired program guide faster.

Regarding claim 2, Kondo in view of Proehl teaches a method as discussed in the rejection of claim 1. Kondo further discloses the information displayed in the first window is relevant to content currently being presented by the provider of content on the channel associated with the selected icon (e.g. drop down panel 52 provides event

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information such as program title, contextual information, etc. of the currently broadcasting program for the current minor channel 54 that is associated with the selected minor channel icon 54 – col. 7, lines 20-30).

Regarding claim 3, Kondo in view of Proehl teaches a method as discussed in the rejection of claim 1. Kondo further discloses the information displayed in the first window is relevant to content to be presented in the future by the provider of content on the channel associated with the selected icon (e.g. met by event information displayed in the drop down panel 52 such as program title, contextual information, or time of program to be presented in the future (e.g. program will be presented at 8:00 pm while the currently time on panel 60 is 7:12 pm) by the provider of the content on channel FOX-1 associated with the selected FOX-1 icon 54- figure 2a, col. 6, lines 10-22).

Regarding claim 4, Kondo in view of Proehl teaches a method as discussed in the rejection of claim 2. Kondo further discloses displaying in a second window, in response to the user selecting the icon, information relevant to content to be presented in the future by the provider of content on the channel associated with the selected icon (displaying in future event information panel 65 or 142, in response to use selecting the icon (e.g. FOX-1 channel icon 54), program title, contextual information, time, etc. that relevant to content to be presented in the future (start at 9:00 pm, start at 10:00 pm, etc.) by the provider of content on channel FOX-1 associated with the selected channel icon 54 – see figures 2C-2D, col. 7, lines 5-30).

Regarding claim 5, Kondo in view of Proehl teaches a method as discussed in any of the rejection of claims 1-4. Kondo further discloses in response to the user selecting the icon, the mote control device to transmit the command to tune the intended target appliance to the channel associated with the selected icon (interpreted as in response to user selecting of channel icon (e.g., FOX-1 icon 154) using the remote keypad or remote input device, a command is inherently sent from the remote input device to the processor for instruction the tuner/decoder to tune to FOX-1 channel associated with the selected FOX-1 channel icon 54 – see include, but is not limited to, figures 1-2D, col. 7, line 55-col. 8, line 45).

Regarding claim 6, Kondo in view of Proehl teaches a method as discussed in the rejection of claim 4. Kondo further discloses the event information panel 52 and further event information panel 65 or 142 are associated with a same page that contain the selected channel icon 54 (figures 2A-2C). Proehl discloses favorite page as discussed in the rejection of claim 1. Therefore, Kondo in view of Proehl teaches the first window area (panel 52 –Kondo) and the second window area (panel 65 or panel 142) area associated with a favorite page.

Regarding claim 7, Kondo in view of Proehl teaches a method as discussed in the rejection of any of claim 1-3. Kondo further discloses the user selecting of a program event by moving the cursor (col. 6, lines 7-30, col. 7, line 55-col. 8, line 10); the contents

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of the event information panel will change in accordance with the presently selected program event (col. 6, lines 20-22) and the event information panel 52 may dynamically vary in size in accordance with the amount of contextual information 62 display (col. 6, lines 30-32). Kondo also discloses the drop down event information panel 52. The contents of the event information panel is determined by the minor channel 54 presently highlighted by cursor 55 by user selecting using remote input device (col. 6, line 55-col. 7, line 3). Thus, Kondo discloses accepting user input (using remote control to select minor channel) for expanding and contracting the first window area (for example, if the user highlights a program event which has large contextual information and the event information panel accommodates all of the contextual information, the event information panel 52 is expanded, if the user highlights a program event which has short contextual information, or no new minor channel/program event is selected, the event information panel 52 is contracted or disappear).

Regarding claim 9, Kondo in view of Proehl teaches a method as discussed in the rejection of claim 4. Kondo further discloses the user selecting of a program event by moving the cursor (col. 6, lines 7-30, col. 7, line 55-col. 8, line 10); the contents of the event information panel will change in accordance with the presently selected program event (col. 6, lines 20-22) and the event information panel 52 may dynamically vary in size in accordance with the amount of contextual information 62 display (col. 6, lines 30-32). Kondo also discloses the drop down event information panel 52. The contents of the event information panel is determined by the minor channel 54 presently highlighted

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by cursor 55 by user selecting using remote input device (col. 6, line 55-col. 7, line 3).

Thus, Kondo discloses accepting user input (using remote control to select minor channel) for expanding and contracting the first window area (for example, if the user highlights a program event which has large contextual information and the event information panel accommodates all of the contextual information, the event information panel 52 is expanded, if the user highlights a program event which has short contextual information, or no new minor channel/program event is selected, the event information panel 52 is contracted or disappear).

In addition, Kondo also discloses event information panel may dynamically vary in size in accordance with the amount of contextual information displayed (col. 6, lines 30-32); the future event information panel 65 display future contextual information 66 for the presently selected future event program (col. 7, lines 4-30). Kondo also discloses the size of the future event information panel 65 and 142 is different (figures 2C, 2D). It would have been obvious to one of ordinary skill in the art that the second window area (e.g. future event information panel) is expanded and contracted in response to accepting user input in order to accommodate the information displayed on the window area, or to improve efficiency in screen utilization for display information and allow user to navigate and locate desired program easily.

4. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US 6,763,522) in view of Proehl et al. (US 6,990,676) as applied to claim 7 or 9 above. and further in view of Ellis et al. (US 2003/0149988).

Regarding claim 8, Kondo in view of Proehl teaches a method as discussed in the rejection of claim 7. Kondo further discloses drop down event information panel 52 (figures 2C, 2D, col. 6, lines 55-56). However, Kondo in view of Proehl does not specifically disclose allowing overlay and display, respectively, of a user interface page having command function keys.

Ellis discloses expansion and contraction of the first window area allows overlay and display, respectively, of a user interface page having command function keys (interpreted as expansion of window area 1331, window area 1339, window area 1347, window area 370, or window area 380, in response to user selecting of an icon on the program guide such as icon associated with currently broadcast program (program being watched) allows the window area 1331, 1339, or 1347 overlay program guide, and contraction of the window area in response to user selection "No" or "Cancel" on the window allows display of the program guide; wherein the program guide has command functions keys such as channel keys, program title keys that is when selected, command the system to perform associated function – see include, but is not limited to, figures 14b, 14d, 14e, 15a-16, paragraphs 0134-0138). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kondo in view of Proehl to use the teaching of allowing overlay and display of a user interface page having command function keys as taught by Ellis in order to

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improve efficiency of screen utilization, to sufficiently accommodate information on the display that allow user to view the information easily.

Regarding claim 10, Kondo in view of Proehl teaches a method as discussed in the rejection of claim 4. Kondo additionally discloses expansion and contraction of the first area and it is obvious to one of ordinary skill in the art that the second window area is expanded and contracted in response to accepting user input as discussed in the rejection of claim 9. Kondo further discloses drop down event information panel 52 (figures 2C, 2D, col. 6, lines 55-56). However, Kondo does not specifically disclose expansion and contraction of the first and second window areas allows overlay and display, respectively, of a user interface page having command function keys.

Ellis discloses expansion and contraction of the first window area allows overlay and display, respectively, of a user interface page having command function keys (interpreted as expansion of window area 1331, window area 1339, window area 1347, window area 370, or window area 380, in response to user selecting of an icon on the program guide such as icon associated with currently broadcast program (program being watched) allows the window area 1331, 1339, or 1347 overlay program guide, and contraction of the window area in response to user selection "No" or "Cancel" on the window allows display of the program guide; wherein the program guide has command functions keys such as channel keys, program title keys that is when selected, command the system to perform associated function – see include, but is not

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limited to, figures 14b, 14d, 14e, 15a-16, paragraphs 0134-0138). Ellis also discloses the information displayed on the window area is associated with the selected icon on the program guide listing, the program guide listing also comprises icons associated with currently broadcast program and icons associated with future broadcast programs (see include, but is not limited to, figures 11b, 14b, 15a-15b, paragraph 0134). Thus, when user select icon associated with future broadcast program (e.g. Air Force One scheduled to be broadcast on Tues at 10:30A), the information associated with the selected icon is displayed on the display window area (e.g. window area 380) overlay the program guide listing (figure 15b), if the user select "No" or "cancel", the program guide will display (figures 15a-15b). Thus, the feature of "expansion and contraction of the second window area allows overlay and display, respectively of a user interface page having command function keys" is interpreted as expansion display window area (for example, to window area 370 or 380 – figures 15a-15b) for display information overlay the program guide listings, in response to user selecting of an icon associated with future program, and contraction of the window area to display the program guide listings in response to user selecting of "NO" or "Cancel" icon, wherein the program guide listings has a plurality of command function keys such as channel icons, program title icons. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kondo in view of Proehl to use the teaching as taught by Ellis in order to improve efficiency of screen utilization, to sufficiently accommodate information on the display that allow user to view the information easily.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson (US 2002/0083448) discloses dedicated channel for displaying programs.

Borden, IV et al. (US 6,857,128) discloses electronic programming guide browsing system.

Schneidewend et al. (US 6,182,287) discloses preferred service management system and a multimedia video decoder.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

September 5, 2006

A handwritten signature in black ink, appearing to read 'Son P. Huynh', with a long horizontal flourish extending to the right.